

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 3

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-sixth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Yellowstone National Park was established in 1872 as the first national park in America; and

WHEREAS, while the majority of Yellowstone is located in Wyoming, small portions of the park are located in Montana and Idaho; and

WHEREAS, as a national park, Yellowstone is federal land, and any crimes committed within the confines of Yellowstone are federal crimes; and

WHEREAS, Congress has established in United States Code that all of Yellowstone, including the portion in Idaho, falls under the jurisdiction of the United States District Court for the District of Wyoming; and

WHEREAS, an article by Professor Brian C. Kalt in the Georgetown Law Journal theorizes that the United States Constitution requires that for any crime committed in the portion of Yellowstone located in Idaho, the jurors in such a trial would need to be drawn from the portion of Yellowstone located in Idaho; and

WHEREAS, according to the 2020 census, the population of the portion of Yellowstone located in Idaho is zero, meaning there would be no potential jurors for a crime committed there; and

WHEREAS, without any potential jurors, a person who commits a crime in the portion of Yellowstone located in Idaho would theoretically be deprived of their constitutional right to a trial by jury, and the United States District Court may have no choice but to dismiss any such charges; and

WHEREAS, such a legal loophole creates a scenario where any person who commits a crime in the portion of Yellowstone located in Idaho could commit such crime with impunity; and

WHEREAS, placing the portion of Yellowstone located in Idaho under the jurisdiction of the United States District Court for the District of Idaho would theoretically close such a loophole.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature calls upon Congress to close this potential legal loophole by amending United States Code and placing the portion of Yellowstone National Park located in Idaho under the jurisdiction of the United States District Court for the District of Idaho while maintaining the United States Court of Appeals for the Tenth Circuit as the proper venue for all administrative appeals concerning Yellowstone.

1 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
2 tives be, and she is hereby authorized and directed to forward a copy of this
3 Memorial to the President of the Senate and the Speaker of the House of Repre-
4 sentatives of Congress and to the congressional delegation representing the
5 State of Idaho in the Congress of the United States.